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S E C R E T SECTION 01 OF 04 BRASILIA 001239

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DEPARTMENT FOR WHA AND CA

E.O. 12958: DECL: 10/14/2019  
TAGS: [PREL](#) [PTER](#) [CVIS](#) [BR](#)  
SUBJECT: HANDLING VISA REQUEST FROM BRAZILIAN INVOLVED IN  
THE 1969 KIDNAPPING OF THE U.S. AMBASSADOR

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Classified By: Charge d' Affaires, a.i. Lisa Kubiske, reason: 1.4 (b) a  
nd (d)

11. (U) This is an action request--see paras 2 and 10.

12. (C) Summary and Action Request: Consulate General Sao Paulo on October 6 issued a visa to Paulo de Tarso Venceslau, who after the fact was identified in Brazilian media as one of the kidnappers of the U.S. Ambassador to Brazil in 1969, sparking speculation of a change in U.S. policy toward the former guerillas under the Obama Administration. CG Sao Paulo, which still has possession of Venceslau's passport, reports that Venceslau omitted disclosure of his arrest and imprisonment for his involvement in the kidnapping on his visa application. Cancellation of the visa, which would be the standard course of action, will likely lead to significant and negative reaction in the Brazilian media at a time when both official Brazilians and the public are considering new possibilities for U.S.-Brazil relations. In light of the distance from the crime, the circumstances under which it took place, and our desire for a forward-looking relationship, now might be the time to consider waiving ineligibilities. At the same time, issuance of a visa, with attendant waiver of ineligibilities, would set a precedent for others who participated in the kidnapping, including a prominent federal deputy and a government minister, and might have implications for broader U.S. policy and messaging on terrorism. CG Sao Paulo will interview Venceslau on Monday, October 19. Mission requests urgent guidance from the Department on whether to undertake discussions with Venceslau that might allow us to recommend a waiver of ineligibilities. End summary.

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U.S. AMBASSADOR KIDNAPPER IS ISSUED VISA, RUNS TO PRESS  
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13. (C) CG Sao Paulo on October 6 issued Venceslau a B2 tourism visa after no hits of any kind appeared on all iterations of his name. Venceslau did not indicate on question 38 of his DS-156 application that he had "ever been arrested or convicted of any offense or crime, even though subject of pardon." The visa was processed and placed into the passport, but CG Sao Paulo remains in possession of the passport.

14. (U) Reports in the October 9 and 10 Estado de Sao Paulo and O Globo newspapers announced that Venceslau, after years of frustrated attempts, had finally been issued a visa for entry into the United States. Venceslau was quoted as saying,

"I never have had a great love for the United States," but that he had always had an interest in seeing the life and culture in the cities of New York, Chicago, and New Orleans. Venceslau said he had tried three times in the last four decades to get a visa at the Consulate in Sao Paulo but was denied for being considered "a terrorist." Venceslau told the paper that he immediately told old friends about his "victory," including fellow kidnappers Fernando Gabeira (a federal deputy from Rio de Janeiro) and Franklin Martins (Lula's Minister of Social Communications at the presidency). Gabeira claimed to also have tried repeatedly, but with no success, to obtain a visa and celebrated Venceslau's news by saying "this shows that the United States is looking forward, leaving behind the animosities of the past century" and joked "I thought this would only happen with the President serving during the 100th anniversary of the kidnapping." Martins said that while he is not considering applying for a visa right now, he will consider the idea. One article reports that Venceslau is due to receive his passport and visa this week and that Venceslau is not worried since "Obama just received the Nobel Peace prize. It would look bad if he cancelled my passport." Another newspaper reported Venceslau as saying "my only fear is that there was been a mistake and that the Consulate will cancel my visa. I would like to listen to jazz in Chicago but I don't believe in miracles."

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THE 1969 U.S. AMBASSADOR KIDNAPPING AND PERPETRATORS  
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15. (U) U.S. Ambassador to Brazil Charles Elbrick was kidnapped on September 4, 1969 by a Brazilian guerilla group named Dissidencia Comunista Universitaria da Guanabara (Communist Dissidence of the University of Guanabara) DI/GB. Their goal, in which they succeeded, was to exchange the U.S. Ambassador for the release of 15 political prisoners detained by the military government then in power. One of the 15

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prisoners released was Brazilian President Lula's former Chief of Staff, Jose Dirceu, who served under the first Lula administration but had to resign after his involvement in the "mensalao" (vote-buying) scandal in the Congress. During the kidnapping, in an attempt to humiliate the military, they called themselves the MR-8, which was a guerilla group the military had recently boasted in the press it had extinguished. They chose the U.S. Ambassador because he represented "imperialist and North-American interests in our country." Ambassador Elbrick was released on September 7 having suffered minor head trauma from being pistol whipped during the kidnapping.

16. (S//NF) According to press reports and FBI archive records, Paulo de Tarso Venceslau helped plan the details of the kidnapping, was one of the passengers in the vehicle used to block the Ambassador's car, subdued the Ambassador's driver, and was one of the kidnappers who boarded the Ambassador's vehicle and took him into hiding. While the Ambassador was held, Venceslau helped put together the list of 15 political prisoners the group demanded be released. On October 1, 1969 Venceslau was caught and imprisoned, without trial, for his involvement in the kidnapping, according to press reports. He was released in December 1974. Since leaving prison he has been a leader in the PT (Worker's Party), worked for the city of Sao Paulo, and secretary for the mayor's office of Sao Jose dos Campos, Sao Paulo, and Campinas. He is currently a businessman in the field of communications. Venceslau was also put in jail for two to three days in September 1966 for participating in illegal student protests, according to press reports.

17. (S//NF) Most of the 12 kidnappers were convicted and imprisoned within one year of the kidnapping. Following is information available to post on the other identified kidnappers and drawn from press reports and FBI archive

records:

-- Franklin de Souza Martins: Was one of the chief architects of the kidnapping plot. Two months after the kidnapping he fled to Cuba for guerilla training and only returned to Brazil in 1973. He was never imprisoned. He is currently serving in the Lula administration as the Minister of Social Communications in the presidency, and has been discussed in the press as a close advisor to Dilma Rousseff in her anticipated run for the presidency next year. Based on personal interest from President Lula, the Brazilian Ministry of Foreign Relations (MRE) has intervened on his behalf in an attempt to secure Martins a visa for entry into the United States.

-- Cid Queroz Benjamin: Was one of the kidnappers in the car that blocked the Ambassador,s vehicle. He was imprisoned in April of 1970; he only served two months because he was released as part of an exchange for the kidnapped German Ambassador.

-- Vera Silvia Araujo de Magalhaes: Seduced the chief of security at the Ambassador,s residence to obtain information about the Ambassador,s car and schedule. She was imprisoned in February of 1970 and was released four months later as part of an exchange of the kidnapped German Ambassador.

-- Fernando Gabeira: Rented the house in which the Ambassador was hidden during the kidnapping. He wrote the document that was left in the Ambassador,s car after the kidnapping. He was in the house when the Ambassador was brought there and took the Ambassador,s messages to his wife and delivered the list of the 15 political prisoners demanded in the exchange for the Ambassador. He was shot by police and imprisoned in January of 1970. He was also released during the exchange for the kidnapped German Ambassador. Gabeira, who has publicly repudiated his role in the kidnapping and has been critical of hostage-taking by the FARC, is a prominent federal deputy from Green Party in Rio de Janeiro.

-- Manoel Cyrillo de Oliveira Netto: Was the second in command of the kidnapping operation and was one of the subjects who physically kidnapped the Ambassador in his car. He was imprisoned on September 31, 1969 and spent 10 years in jail.

-- Sergio Rubens de Araujo Torres: Drove the car that followed and help trap the Ambassador,s car.

-- Joao Lopes Salgado: Was never imprisoned but lived in exile outside of Brazil until 1980. He provided cover for the

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vehicles that were used in the kidnapping.

-- Claudio Torres da Silva: Drove all of the vehicles used to transport the kidnapped Ambassador, both during the kidnapping and for his release. He was the first of the kidnappers to be caught and jailed on September 9, 1969, and was released in 1977.

-- Jose Sebastiao Rios de Moura: Was the watchman during the kidnapping who signaled the Ambassador,s departure from his residence. He went into exile and only returned to Brazil in 1980. In 1983 he was shot dead by two men in suits and hats on his way home.

-- Joaquim Camara Ferreira: Was the chief negotiator with the government during the kidnapping and stayed the entire time in the house with Ambassador Elbrick. He was imprisoned on October 24, 1970 and died hours later while being tortured.

-- Virgilio Gomes da Silva: Served as the chief commander of the kidnapping operation. He was caught on September 29, 1969 and died the following day during a torture session.

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POTENTIAL IMPLICATIONS AND REQUEST FOR ACTION  
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¶18. (C) CG Sao Paulo and Embassy Brasilia are in contact separately with CA regarding the technical and legal aspects of potential ineligibilities. CG Sao Paulo has an appointment to interview Venceslau regarding these ineligibilities, and particularly to verify reports (not officially confirmed) that he was arrested and convicted of the crime, which he did not acknowledge on his visa application (Note: In an initial conversation with CG Sao Paulo on October 14, Venceslau claimed that, as his crime was "political," he was not obligated to do so "under Brazilian law." End note.) If available information is correct, at a minimum he appears to be ineligible under Section 212(a)(2)(A)(i) for Conviction of Crimes Involving Moral Turpitude, as well as 6C1 for misrepresenting a material fact. Other ineligibilities may apply.

¶19. (C) Beyond the question of ineligibilities, Mission sees broader implications resulting from a decision to either cancel the visa with no additional action, or to pursue a waiver. In our view, a minimum bar for granting Venceslau a waiver would be public repudiation of the crime and of kidnapping as a tactic. We have no evidence that Venceslau has made such a renunciation and would have to seek it from him. Assuming he were amenable to such a renunciation, issuance of a visa to Venceslau upon receipt of a waiver would set a precedent related to other kidnappers, at least two of whom (Gabeira and Martins) are likely to apply in the near future. While Gabeira has publicly renounced kidnapping as a form of expression and has criticized the FARC for engaging in kidnapping, Martins has pointedly refused to express remorse for his actions, explaining that they were in the context of a worthy political struggle. Mission also sees potential implications in issuing the visa for broader U.S. policy and messaging on terrorism, especially with regard to USG officials.

¶10. (C) At the same time, with the new U.S. Administration, both Brazilian officials and the public are considering new possibilities for bilateral relations. President Obama's statements at the April Summit of the Americas regarding his desire to build a new relationship with Latin America that looks forward, rather than backward, resonated strongly in Brazil. Although cancellation of his visa will be straightforward as a consular matter, it is likely to generate significant negative press that calls into question whether U.S. policy toward Latin America has changed, and to have repercussions in official circles where a number of senior officials and elite are linked to the case either directly (e.g., Gabeira and Martins) or indirectly (e.g., Human Rights Minister Paulo Vannuchi, who is linked with Venceslau as a political prisoner, and senior PT official Jose Direceu, who was released by the military government as a result of the kidnapping). When considered with the fact that 40 years has passed since the kidnapping and the political nature of the opposition to the military regime, these factors suggest pursuing a waiver of ineligibilities as a way to promote a forward-looking bilateral relationship.

¶11. (C) Action request: In light of the political and media sensitivities, Mission requests guidance from the Department

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on an urgent basis, and ideally prior the October 19 meeting with Venceslau, as to whether to initiate discussions with Venceslau that might allow for a recommendation to waive ineligibilities.

KUBISKE